

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY M.N. AMOUNT OF FEE \$605.73

RECEIPT # I200308428

DATE HEARD: 6/11/03

BY CZAB # 12

RECEIVED

JUN 30 2003

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY M.N. 02-266

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 03-2-CZ12-1 (02-266)

Filed in the name of (Applicant) Tasnim Uddin

Name of Appellant, if other than applicant Manuel H. Piedra

Address/Location of APPELLANT'S property:

8907 S.W. 69th Street

Miami, Florida 33173

Application, or part of Application being Appealed (Explanation):

Rezoning from EU-1 to RU-3M

Appellant (name): Manuel H. Piedra
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The district boundary change will not serve the public benefit as it unreasonably increases density adjacent to a wellfield and a single-family neighborhood. It will have an unfavorable impact on natural resources as it increases density adjacent to a wellfield.

APPELLANT MUST SIGN THIS PAGE

Date: 30 day of JUNE, year: 2003

Signed

Manuel P. Pineda

MANUEL P. PINEDA
Print Name

8907 S.W. 8907 Miami FL 33173
Mailing Address

305-264-5516
Phone

305-262-7604
Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an
association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 30th day of JUNE, year 2003

Judith E. Robertson
Notary Public

(stamp/seal)

Commission expires:



Judith E. Robertson
Commission #DD220794
Expires: Jun 08, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

Before me the undersigned authority, personally appeared Manuel H. Piedra
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

[Signature]
Signature

JUDITH E. ROBERTSON
Print Name

[Signature]
Signature

W. NICKER GIBBS
Print Name

[Signature]
Appellant's signature

Manuel H. Piedra
Print Name

Sworn to and subscribed before me on the 30th day of JUNE, year 2003.

Appellant is ~~personally known~~ to me or has produced FL DRIVER LICENSE as
identification.



Judith E. Robertson
Commission #DD220794
Expires: Jun 08, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

[Signature]
Notary
(Stamp/Seal)

Commission Expires:

ZONING HEARING APPLICATION

METROPOLITAN DADE COUNTY

ALL FOLIO NUMBERS ARE REQUIRED

RECEIVED
Z02-266
SEP 06 2002

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

30-4028-005-0030-1

BY Be
Date Received Stamp

PLEASE TYPE OR PRINT LEGIBLY, IN INK, ALL INFORMATION ON APPLICATION

1. Name of Applicant TASNIM UDDIN
 - a. if applicant is owner, give name exactly as recorded on deed.
 - b. if applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.
 - c. if applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

Mailing Address 8281 Coral Way

City Miami State Florida Zip 33155

Tel. # (during working hours) 305-264-0884 Other (305) 276-8229 (Beeper)

2. Name of Property Owner: Tasnim Uddin

Mailing Address 8281 Coral Way

City Miami State Florida Zip 33155

Tel. # (during working hours) (305) 264-0884 Other (305) 276-8229 (Beeper)

3. Contact Person Jerry B. Proctor, Esq.

Mailing Address 200 South Biscayne Boulevard, Suite 2500

City Miami State Florida Zip 33131

Tel. # (during working hours) (305) 350-2361 Other _____

4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION
 - a. if subdivided, provide lot, block, complete name of subdivision, plat book and page number.
 - b. if metes and bounds description, provide complete description, (including section, township and range).
 - c. submit 7 copies of a survey if property is odd-shaped (1" to 300' scale).
 - d. if separate requests apply to different areas, provide the legal description of each area covered by a separate request.
 - e. attach a separate, typed sheet if necessary. Verify the legal is correct.

A portion of Lot 4 of KIRK ACREAGE according to the plat thereof as recorded in Plat Book 47 at Page 59 of the Public Records of Dade County, Florida being more particularly described as follows:
Begin at the Northeast corner of said Lot 4; thence run N 87°03'28"E along the North line of said Lot 4 for a distance of 372.345 feet; thence run S36°40'41"W for a distance of 129.80 feet to a point on the South line of said Lot 4; thence run S 87°03'10" W along the South line of said Lot 4 for a distance of 289.285 feet; thence run N03°06'08"W along the West line of said Lot 4 for a distance of 100.00 feet to the POINT OF BEGINNING containing 0.76 acre more or less.

Address or location of property:

5. Address or location of property: East of SW 89 Court, approximately 508 feet North of SW 72 Street (Sunset Drive).
6. Size of property: Irregular ft. X _____ ft. Acres 0.76
7. Date subject property acquired ☒ x or leased ☐ 10 day of March, 1998.
Term of lease _____ years/months.

8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property.")

No

9. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?

☐ yes or ☒ Xno

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification(s): EU-1

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require a special exception to permit site plan approval except for rezoning to residential of 3 acres or less.

XX District Boundary (Zone) Change(s):
Zone classifications request RU-3M

- ☐ Special Exception to permit Site Plan Approval for _____
- ☐ Unusual Use _____
- ☐ Use Variance _____
- ☐ Non-use Variance _____
- ☐ Special Exception _____
- ☐ Modification of previous resolution/plan _____
- ☐ Modification of Declaration or Covenant _____

12. Has a public hearing been held on this property within the last year and a half? ☐ yes ☒ Xno

If yes, applicant's name _____

Date of hearing _____

Nature of hearing _____

Decision of hearing _____

Resolution # _____

13. Is this hearing being requested as a result of a violation notice? ☐ yes ☒ XNo

If yes, give name to whom violation notice was served

Nature of violation _____

14. Are there any existing structures on the property? ☐ yes ☒ X no

If yes, briefly describe _____

15. Is there any existing use on the property? ☐ yes ☒ X no

If yes, what is the use and when was it established? Use _____

Established _____

OWNER OR TENANT AFFIDAVIT

I, TASNIM UDDIN, being first duly sworn, depose and say that I am the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.



Raymond Nazaire
My Commission DD051043
Expires August 19, 2005

[Signature]
Signature

Sworn to and subscribed to before me
this 8th day of AUGUST, 2002.

Notary Public

Commission Expires AUGUST 19th 2005

CORPORATION AFFIDAVIT

We, _____, being first duly sworn, depose and say that we are the ☐ President ☐ Vice President, and ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

President's Signature

(Corp. Seal)

ATTEST:

Secretary's Signature

Sworn to and subscribed to before me
this _____ day of _____, _____

Notary Public

Commission Expires _____

PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; that all answers to the questions in said application and all sketches, data, and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the ☐ owner/ ☐ tenant of the property described herein which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before the application can be submitted and hearing advertised.

(Name of Partnership)

By _____ %
By _____ %

By _____ %
By _____ %

Sworn to and subscribed to before me
this _____ day of _____, _____

Notary Public

Commission Expires _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____

Notary Public

Commission Expires _____

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202-266
APR 03 2003

DISCLOSURE OF INTEREST*

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

If the property which is the subject of the application is ~~owned or leased~~ by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

RAMIX CONSTRUCTION CO.
CORPORATION NAME

NAME, ADDRESS AND OFFICE

Percentage of Stock

Manuel Ramos, President
Frank Aixala, Vice President
Manuel Ramos, Jr., Secretary
2750 SW 129 Avenue
Miami, Florida 33175

33.3

33.3

33.3

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS

Percentage of Interest

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. [Note: where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME

NAME AND ADDRESS

Percentage of Ownership

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature:
(Applicant)


Frank Aixela

Sworn to and subscribed before me,

this 3 day of April, 2003.

(SEAL)


Notary Public, State of Florida at Large

My Commission Expires



*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or any other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

Date: ____ / ____ / ____

Public Hearing No: _____

RESPONSIBILITIES OF THE APPLICANT

PLEASE READ CAREFULLY BEFORE SIGNING.


I hereby acknowledge that I am aware that the Department of Environmental Resources Management (DERM), the Public Works Department, and other County agencies review each zoning application and proffer comments that may affect its scheduling and outcome. These comments sometimes include requirements for an additional public hearing before DERM's Environmental Quality Control Board, (the EQCB) or other County boards, and/or the preparation and execution of agreements to run with the land which are recorded, prior to scheduling.

I understand that it is my responsibility as the applicant or applicant's representative to promptly follow through with the Compliance of DERM or Public Works requirements or to advise this office in writing if the application will not go forward and may be considered withdrawn. Contact with the above mentioned agencies is advised during the hearing process. You may obtain the telephone numbers and locations of the reviewing departments at the Zoning hearings Counter.

Fees: Further I understand that the hearing fees paid at the time of filing may not be the total cost of the hearing, that I will be advised of the following fees which must be paid promptly: additional radius fee, deferral or readvertising fee (if applicant requests deferral), revision fee, and/or other fees assessed for changes or additions to the hearing application or plans. I am aware that applications withdrawn within 60 days of the date of filing are eligible for refund of 50% of the hearing fee. After that time, hearings that are withdrawn or returned for inaction will *not* be eligible for a refund.

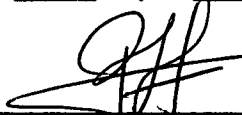
Permit Requirements: I also understand that the South Florida Building Code may contain requirements that affect my ability to obtain a required building permit from the Department of Planning, Development and Regulations (10th Floor) for my project, even if my zoning application is approved at public hearing. I am aware that a Building Permit is required for all construction and that I am responsible for obtaining the required permits, all required inspections, and the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally, I am aware that a Certificate of use and Occupancy must be obtained for the use of the property, if approved at a Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or Use and Occupancy will result in the initiation of Enforcement action against the occupant and owner. I further understand that submittal of the Zoning Hearing application will not necessarily forestall enforcement action against the property.

Residential construction within 2 miles of a Blasting Site: Persons applying for a residence or residential development located within two miles of a permitted rock mining operation where blasting is permitted must record in the public records of Dade County a notice that the proposed development is within two miles of the blasting site, prior to the issuance of the first development permit. The notice must provide the location of the blasting site and state that such blasting is regulated by Chapter 13 of the Code of Metropolitan Dade County. Notice must be given to and signed by buyers with purchase contracts within the development. Maps showing permitted rock mining operations where blasting is permitted in Dade County are available in the Department of Planning, Development and Regulation (DPDR) and in the Public Works Department. Any developer may request a written opinion from the Director of Public Works as to whether a development is located within the two-mile area.


(Signature)

TASNIM UDDIN.
(Print Name)

Notary: Sworn to and subscribed before me this
8th day of AUGUST, 2004.



Notary Public - State of Florida



Raymond Nazaire
My Commission DD051043
Expires August 19, 2005

My commission expires AUGUST 19th 2005

OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF DADE

Before me, the undersigned authority, personally appeared Tasnim Uddin,
hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property which is the subject of the proposed hearing.

2. The subject property is legally described as: A portion of Lot 4 of KIRK ACREAGE according to the plat thereof as recorded in Plat Book 47 at Page 59 of the Public Records of Dade County, Florida being more particularly described as follows: Begin at the northwest corner of said Lot 4; thence run N 87° 03' 28" E along the north line of said Lot 4 for a distance of 372.345 feet; thence run S 36° 40' 41" W for a distance of 129.80 feet to a point on the south line of said Lot 4 for a distance of 289.285 feet; thence run N 03° 06' 08" W along west line of said Lot 4 for a distance of 100.00ft

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing. to P.O.B.

Witnesses:

Emilio Sotolongo
Signature

EMILIO SOTOLONGO
Print Name

Jerry Proctor
Signature

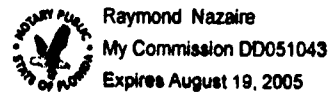
Jerry Proctor
Print Name

Tasnim Uddin
Affiant's signature

Tasnim Uddin
Print Name

Sworn to and subscribed before me on the 8th day of AUGUST, 2004.
Affiant is personally known to me or has produced _____ as
identification.

Raymond Nazaire
Notary
(Stamp/Seal)



Commission Expires: AUGUST 19th 2005

Notice to all Applicants

Advisories from the County Attorney's Office

Advisory 1


A recent decision of the Third District Court of Appeal has ruled that zoning applications that are inconsistent with the Comprehensive Development Master Plan cannot be approved by a zoning board based upon considerations of fundamental fairness.

Applicants are advised that if their hearing request is inconsistent with the Comprehensive Development Master Plan and they decide to go forward with the public hearing they cannot be approved under considerations of fundamental fairness, but can only be denied or deferred.

Advisory 2

A panel of judges of the Third District Court of Appeal recently issued a statement that the standard for non-use variances in the Code of Miami-Dade County is legally insufficient. *Miami-Dade County v. Brennan*, 2001 WL 1472655 (Fla. 3rd DCA 2001). Although the Court was not in a position to issue a binding ruling, it is the opinion of the County Attorney's Office that any non-use variance issued under the present standard would be unlikely to be sustained if challenged in court. The County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop a new standard that will address the Court's concerns. While the new standard is being developed, applicants are advised that any non-use variance granted under the existing standard is subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standard is developed.

By signing below the applicant acknowledges that they have read and understood this Notice..


Signature _____
Atty For Applicant

9-5-02
Date _____

Jerry B. Proctor
Print name _____

Date: 9/5/02

Public Hearing No: _____

RESPONSIBILITIES OF THE APPLICANT

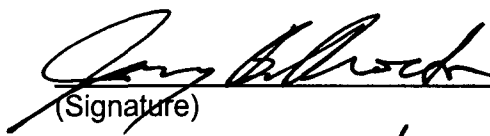
PLEASE READ CAREFULLY BEFORE SIGNING.

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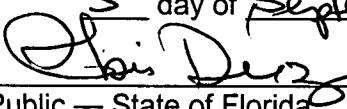
Fees: Further I understand that the hearing fees paid at the time of filing may not be the total cost of the hearing, that I will be advised of the following fees which must be paid promptly: additional radius fee, deferral or readvertising fee (if applicant requests deferral), revision fee, and/or other fees assessed for changes or additions to the hearing application or plans. I am aware that applications withdrawn within 60 days of the date of filing are eligible for refund of 50% of the hearing fee. After that time, hearings that are withdrawn or returned for inaction will not be eligible for a refund.

Permit Requirements: I also understand that the South Florida Building Code may contain requirements that affect my ability to obtain a required building permit from the Department of Planning, Development and Regulations (10th Floor) for my project, even if my zoning application is approved at public hearing. I am aware that a Building Permit is required for all construction and that I am responsible for obtaining the required permits, all required inspections, and the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally, I am aware that a Certificate of Use and Occupancy must be obtained for the use of the property, if approved at a Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or Use and Occupancy will result in the initiation of Enforcement action against the occupant and owner. I further understand that submittal of the Zoning Hearing application will not necessarily forestall enforcement action against the property.

Residential construction within 2 miles of a Blasting Site: Persons applying for a residence or residential development located within two miles of a permitted rock mining operation where blasting is permitted must record in the public records of Dade County a notice that the proposed development is within two miles of the blasting site, prior to the issuance of the first development permit. The notice must provide the location of the blasting site and state that such blasting is regulated by Chapter 13 of the Code of Metropolitan Dade County. Notice must be given to and signed by buyers with purchase contracts within the development. Maps showing permitted rock mining operations where blasting is permitted in Dade County are available in the Department of Planning, Development and Regulation (DPDR) and in the Public Works Department. Any developer may request a written opinion from the Director of Public Works as to whether a development is located within the two-mile area.


(Signature)
Jerry B. Proctor
(Print Name)

Notary: Sworn to and subscribed before me this
5 day of September, 2002.


Notary Public — State of Florida
My Commission Expires:

